

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

DASHONE DUNLAP, ET AL.,)	CASE NO. 1:17-CV-1926
)	
Plaintiffs,)	MAGISTRATE JUDGE RUIZ
)	
vs.)	
)	
ADMINISTRATIVE JUDGE OF)	<u>ANSWER OF DEFENDANT</u>
CUYAHOGA COUNTY COURT OF)	<u>ADMINISTRATIVE JUDGE</u>
COMMON PLEAS, JUVENILE)	<u>TO CROSS-CLAIM OF</u>
DIVISION, ET AL.,)	<u>DEFENDANT ZIMMERMAN</u>
)	
)	
Defendants.)	

ANSWER

In response to the Cross-Claim of Declaratory Judgment filed by Defendant Joshua Zimmerman, ECF # 37 (hereafter “Defendant Zimmerman’s Cross-Claim”), Defendant Administrative Judge of Cuyahoga County Court of Common Pleas, Juvenile Division (hereafter “Defendant Juvenile Court”) hereby submits this Answer pursuant to Fed.R.Civ.P. 7(a)(4) and Fed.R.Civ.P. 12(a)(1)(B) and states as follows:

1. Defendant Juvenile Court denies for want of knowledge or information the allegations contained in paragraph 1 of Defendant Zimmerman’s Cross-Claim.

2. Defendant Juvenile Court denies for want of knowledge or information the allegations contained in paragraph 2 of Defendant Zimmerman's Cross-Claim.

3. Defendant Juvenile Court denies for want of knowledge or information the allegations contained in paragraph 3 of Defendant Zimmerman's Cross-Claim.

4. Defendant Juvenile Court denies for want of knowledge or information the allegations contained in paragraph 4 of Defendant Zimmerman's Cross-Claim.

AFFIRMATIVE DEFENSES

5. Defendant Zimmerman's Cross-Claim fails to state a claim upon which relief can be granted against Defendant Juvenile Court.

6. Defendant Zimmerman's Cross-Claim is barred by waiver.

7. Defendant Zimmerman's Cross-Claim is barred by estoppel.

8. Defendant Zimmerman's Cross-Claim is barred by unclean hands.

9. Defendant Juvenile Court Defendant is entitled to all immunities, defenses, and limitations provided under Chapter 2744. of the Ohio Revised Code, including but not limited to R.C. 2744.07..

WHEREFORE, having fully answered the allegations in the Defendant Zimmerman's Cross-Claim, Defendant Administrative Judge of Cuyahoga County Court of Common Pleas, Juvenile Division, respectfully pray that Defendant Zimmerman's Cross-Claim be dismissed, with prejudice, at Defendant Zimmerman's costs.

Respectfully submitted,

MICHAEL C. O'MALLEY, Prosecuting Attorney
of Cuyahoga County

By: /s/ Charles E. Hannan
CHARLES E. HANNAN (0037153)
Assistant Prosecuting Attorney
The Justice Center, Courts Tower, 8th Floor
1200 Ontario Street
Cleveland, Ohio 44113
Tel: (216) 443-7758/Fax: (216) 443-7602
channan@prosecutor.cuyahogacounty.us

*Attorneys for Defendant Administrative Judge of
Cuyahoga County Court of Common pleas, Juvenile
Division*

CERTIFICATE OF SERVICE

I certify that on the 15th day of March 2018, the foregoing Answer of Defendant Administrative Judge to Cross-Claim of Defendant Zimmerman will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

I further certify a true and accurate copy of the foregoing Answer of Defendant Administrative Judge to Cross-Claim of Defendant Zimmerman was served on the 15th day of March 2018 by ordinary U.S. Mail, postage prepaid, upon:

Freddie Hodges
1197 N. Lockwood Avenue
Cleveland, Ohio 44112

Defendant

/s/ Charles E. Hannan
CHARLES E. HANNAN
Assistant Prosecuting Attorney